



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Purchase of Photocopier for Finance Department,  
Purchasing Division (\$5,770.01)

MEETING DATE: October 20, 1993

PREPARED BY: Finance Director

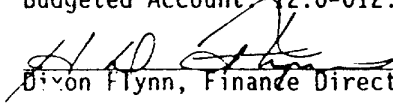
RECOMMENDED ACTION: That the City Council authorize the purchase of one Xerox Model 5328ZTAS photocopier under terms of the Partnership and Document Processing Agreement between the County of Los Angeles and Xerox Corporation, for use in the Finance Department's Purchasing Division, in the amount of \$5,770.01.

BACKGROUND INFORMATION: Approved for purchase in the 1993/94 budget, this copier will replace an aging 3M copier which is among the oldest of the machines in use in the City. This new unit will serve to improve staff productivity through a 27% increase in copy speed, automatic document handling capability, and reduced levels of downtime.

The recommended method of purchase, using the LA County agreement with Xerox, provides a number of advantages to the City. First, it assures that the City does not again experience the results of the last copier bid, wherein the low bid was submitted by a company proposing an obsolete machine, and the second-low bid, on which the award was based, was later found to contain misrepresentations of equipment capability. Second, it provides a unique opportunity to obtain Xerox quality and reliability at a volume price far below commercial list price, 25% below the current state/local government price of \$7,704, and nearly 8% below the price paid in 1990 for a competitor's model with similar features. Further, Xerox offers a full three-year warranty, virtually unmatched by any other manufacturer, and will provide an extended warranty at \$390 per year. This will save over \$1,220 in equipment maintenance costs over the next three years, and is \$17 below the current annual cost for maintenance on the old 3M.

Finally, purchase of this unit affords the additional cost-savings opportunity to stock common supplies, such as toner and developer, since the Electric Utility Department currently uses a similar machine.

FUNDING: Budgeted Account: 12.0-012.20 - \$7,500

  
Dion Flynn, Finance Director

Prepared by Joel Harris, Purchasing Officer

APPROVED: 

THOMAS A. PETERSON  
City Manager



COUNTY OF LOS ANGELES  
AND  
XEROX CORPORATION  
PARTNERSHIP II PROGRAM  
LEGAL STRUCTURE

OFFICE OF THE COUNTY COUNSEL

DE WITT W. CLINTON  
County Counsel

RAYMOND G. FORTNER, JR.  
Senior Assistant County Counsel

## LOS ANGELES COUNTY PARTNERSHIP II

### ELEMENTS OF LEGAL ANALYSIS

- Joint Exercise of Powers Act (Government Code Sections 6500-6539)
  - Statutory authority and framework for the Partnership
- Two Or More Local Agencies
  - Counties, cities, school districts, county boards of education, county superintendents of schools, public districts, public corporations, etc.
- Common Power
  - To acquire personal property and equipment for the local agency
- Restrictions on the Exercise of the Power Applicable to any One of the Local Agencies
  - County of Los Angeles is not restricted by law to competitive bidding in acquiring personal property and equipment
- Agreement Between or Among the Local Agencies
  - County of Los Angeles Purchasing Services Agreement
- Agency Designated to Administer Agreement
  - County of Los Angeles

## THE ACT

The Joint Exercise of Powers Act is a statutory framework which specifically authorizes two or more local agencies to enter an agreement to provide for the exercise of a power common to each of the agencies.

It does not in and of itself create or grant a new power in any local agency, or authorize a local entity to exercise a power it does not already possess. It does, however, authorize each local agency to exercise the power in a manner different from customary procedural requirements.

### **- Two or More Local Agencies**

For purposes of the Act, local agencies are specifically defined to include counties, cities, school districts, county boards of education, county superintendents of schools, other public districts and corporations, as well as state and federal agencies.

Any combination of two or more of these agencies possessing a common power may enter an agreement under the Act to provide for the joint exercise of the power.

### **- Common Power**

The local agencies must desire to exercise a power common to each - a power granted to each agency independent of the Act. The Act grants no new powers. Rather, it provides a mechanism for the joint exercise of the power.

Here, the power held in common by participants in the Partnership is the power to acquire personal property and equipment.

### **- Restrictions on the Exercise of the Power**

This is the unique feature of the Act. It specifically provides that in the agreement providing for the joint exercise of the common power, the local agencies must select the restrictions on the exercise of the power as are applicable to one of the agencies.

This requires the agencies to select which agency's restrictions will be followed. This means that the each agency which is subject to a form of competitive bidding requirements may be relieved of the necessity of following those requirements, so long as the restrictions applicable to any one of the other agencies are followed.

The County of Los Angeles is not restricted by law to any form of competitive bidding in exercising its power to acquire personal property and equipment. It is for this reason that the County is the local agency designated for this purpose. So long as the mode of procurement applicable to the County is followed, all other procedural requirements applicable to other local agencies participating in the Partnership, whether imposed by statute, charter or ordinance, need not be followed.

**- Agreement Between or Among the Local Agencies**

The Act authorizes local agencies to "agree" to jointly exercise a common power. This requires the local agencies who participate in the Partnership to enter into a formal agreement or take other formal action which signifies their agreement and mutual intent to join in the exercise of the common power and which specifies the local agency whose restrictions on the exercise of the power will be applicable.

The County of Los Angeles Purchasing Services Agreement and its approval by resolution or other formal action by participating local agencies satisfies this requirement.

**- Agency Appointed to Administer the Agreement**

The Act specifically authorizes the local agencies who have agreed to jointly exercise a common power to appoint one of the agencies to administer and carry out the purposes of the agreement.

In the Partnership, the County of Los Angeles, through Purchasing and Central Services of the Internal Services Department, fulfills this role.

**- Other Considerations**

State Procurements - No special reference has been made since the current Partnership Agreement specifically excludes use by state agencies. However, it is noted that the Act specifically provides that notwithstanding the ability to specify the local agency whose restrictions shall apply to the exercise of the power, any authorization or approval otherwise required from the General Services Agency is still necessary.

Legal Authorities - citations of legal authority, including statutory references, Court decisions and Opinions of the California Attorney General, have been omitted from this text, which is meant to be descriptive tool rather than a legal brief. We will be pleased to supply a confirming legal opinion as counsel to the County of Los Angeles or a legal analysis in such form as may be helpful to the Partnership.

**COUNTY OF LOS ANGELES / XEROX CORPORATION  
DOCUMENT PROCESSING SERVICES  
PARTNERSHIP AGREEMENT**

Xerox Corporation will provide document processing services to the County of Los Angeles for Equipment and Xerox software (products) listed in Exhibit I. This Agreement will begin on November 15, 1990 and continue through September 30, 1993. \*

Document processing services are described as the use of Xerox copiers, duplicators, printing systems products, DocuTech, facsimile, engineering products, workstations, scanners, electronic typewriters, software, and publishing systems; technical service and administrative support to manage the creation, reproduction and distribution of documents.

**I. EQUIPMENT PURCHASE:**

Xerox will provide throughout the term of this agreement copier/duplicators, printing systems, DocuTech, facsimile, engineering products, workstations, scanners, electronic typewriters, and publishing systems listed in Exhibit 1 for purchase and/or lease. Prices for the acquisition of equipment and Xerox Software for the initial term of this agreement (ending September 30, 1991) are set forth in Exhibit 1. If Xerox introduces new equipment during the term of this agreement Xerox will add said equipment with approval of the County, at then current prices.. Xerox may withdraw from this agreement equipment and Xerox software that becomes no longer commercially available during the term of this agreement without penalty to either party. Purchase terms and conditions are contained in Exhibit 1. All warranties and guarantees, except as noted in the price exhibits, are the same as those that are contained in the Blanket Purchase Agreement BPA # 010580103.

**II. MAINTENANCE:**

Xerox will provide maintenance on all equipment and software purchased under this agreement. Prices for the Full Service Maintenance (FSM) will be per the applicable State and Local Government Price List in effect at the commencement of the FSM.

Maintenance components for lease agreements will be those in effect at the time of order.

**III. SUPPLIES:**

Xerox will offer the County fixed pricing on consumable supplies for the term of this agreement. See Exhibit 2.

**IV. UTILIZATION OF COUNTY / XEROX PURCHASE AGREEMENT BY OTHER GOVERNMENT ENTITIES:**

Xerox concurs with extending the prices contained in Exhibit 1 to other political subdivisions that are resident in the County of Los Angeles (school districts, cities, and special agencies/districts). Xerox' agreement to extend the prices contained in Exhibit 1 to political subdivisions is contingent upon the County of Los Angeles issuing a Los Angeles County Purchase Order in behalf of the political subdivision.

Xerox will also extend these prices to the following counties and their political subdivisions and school districts: Fresno, Imperial, Inyo, Kern, Kings, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura in accordance with applicable law, providing that the County of Los Angeles issues a Los Angeles County Purchase Order in their behalf and the county or political subdivision or school district agrees to be bound by the terms and conditions of this Agreement.

This agreement may not be used for federal or state agencies.

\*Contract has been extended beyond September 30, 1993

**V. FEES:**

The County of Los Angeles may, at its option, provide purchasing services to other political subdivisions (as described in Section IV, UTILIZATION OF COUNTY / XEROX PURCHASE AGREEMENT BY OTHER GOVERNMENT ENTITIES) for which it may charge a fee, said fee to be collected by the County.

**VI. EDUCATIONAL SYMPOSIUMS:**

- A. Xerox will, at no cost to the County, host and conduct educational symposiums at Xerox locations for various government entities. These symposiums will explain the benefits of utilizing County services and procurement options. The purpose of these symposiums will be for information purposes only.
- B. Xerox will, at no cost to the County, provide marketing skills training to County designated County employees. Such training will consist of familiarity with applicable Xerox products, presentation techniques, development of demonstration aids, and generally how to develop and conduct a marketing presentation.

**VII. PRICING:**

Prices quoted herein shall be firm through September 30, 1991. Prices for any succeeding twelve (12) month period are per Section 3 of Exhibit 1.

Xerox will furnish the County of Los Angeles the best qualified price for similar quantities purchased by similarly situated State and Local governmental agencies under the identical terms and conditions for the term of this agreement.

This agreement does not preclude the County from large single order transactions at lower pricing, applicable.

Lease interest rates are not guaranteed. The actual interest rate charged will be the rate in effect for State and Local Government Customers at the time of order.

**VIII. FINANCE AGREEMENTS:**

Any lease entered into between Xerox and the County of Los Angeles shall be based on the special term lease agreement negotiated by Xerox and the County. This term lease agreement is to be used exclusively by the County of Los Angeles and shall not be made available to other entities.

**IX. TRAINING:**

Xerox will provide in-depth operator training for all equipment installed under this agreement at no charge. Xerox anticipates that specialized training will be required for the centralized printers installed under Section XI, INITIAL EQUIPMENT ACQUISITION. Recommended training and applications development to be performed by Xerox as follows:

- Customer Education Classes
- Centralized Printer Operator
- Applications Development with Xerox Systems Analyst

Xerox shall provide the County of Los Angeles the above referenced training at no additional charge.

Any additional or subsequent training requested by the County will be billed at the then current applicable rates.

**X. NON-EXCLUSIVITY:**

This agreement is non-exclusive and shall not preclude the County in any way from entering into similar agreements with other vendors.

**XI. INITIAL EQUIPMENT ACQUISITION:**

This agreement is contingent upon the order and installation of equipment referenced in Exhibit 3.

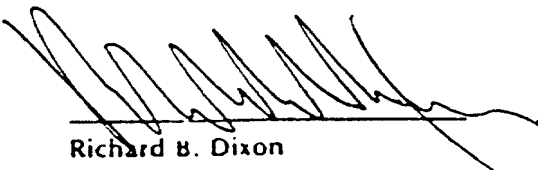
This Agreement and this Renewal Amendment, and all Exhibits and other documents attached hereto or incorporated by reference herein, are the complete agreement between the parties respecting their subject matter and supersedes all oral or written communications regarding their subject matter and may be amended only in a writing signed by both parties.



William F. Stewart

Director Internal Services  
Purchasing Agent  
County of Los Angeles

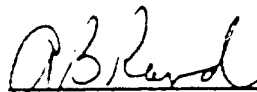
November 15, 1990



Richard B. Dixon

Chief Administrative Officer  
County of Los Angeles

November 15, 1990



A.B. Rand

President  
United States Marketing Group  
Xerox Corporation

November 15, 1990

**REFERENCES**  
**FOR THE**  
**COUNTY OF LOS AND XEROX CORPORATION PARTNERSHIP**

COUNTIES	CITIES	SCHOOL DISTRICTS
County of Orange	City of Downey	Los Angeles USD
County of San Diego	City of San Diego	Compton USD
County of Merced	City of Stockton	Norwalk USD
County of Solana	City of Oxnard	Placentia USD
County of Modoc	City of Commerce	Capistrano USD
County of Colusa	City of Laguna Beach	Sweetwater Union SD
County of San Joaquin	City of Santa Barbara	Heldsberg USD
Kings County	City of Whittier	Napa USD
County of Lassen	City of Oceanside	Garden Grove USD
County of Santa Barbara	City of Sacramento	Sonoma Valley USD
County of Inyo	City of San Clemente	Oxnard School District

This is not a complete list of jurisdictions that have participated in this agreement. If you would like additional references we will be happy to provide them.

RESOLUTION NO. 93-13:

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A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE PURCHASE OF ONE XEROX PHOTOCOPIER  
FOR THE FINANCE DEPARTMENT

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WHEREAS, Lodi Municipal Code, Section 3.20.070, authorizes dispensing with bids for purchases of supplies, services or equipment when it is in the best interests of the City to do so; and

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the purchase of one Xerox Model 5328ZTAS photocopier under the terms of the Partnership and Document Processing Agreement between the County of Los Angeles and Xerox Corporation, for use in the Finance Department's Purchasing Division, in the amount of \$5,770.01.

Dated: October 20, 1993

=====

I hereby certify that Resolution No. 93-131 was passed and adopted by the Lodi City Council in a regular meeting held October 20, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Jennifer M. Perrin  
City Clerk

93-131

RES93131/TXTA.01V

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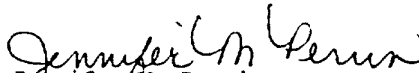
Dated: October 20, 1993

I hereby certify that Resolution No. 93-131 was passed and adopted by the Lodi City Council in a regular meeting held October 20, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider  
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Jennifer M. Perrin  
City Clerk